

REMARKS

The present Amendment is in response to the Examiner's Office Action mailed March 7, 2006. Claims 1, 10, 18, 20, 28, and 30 are amended and new claims 32-39 are added. Claims 1-39 are now pending in view of the above amendments.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

I. CLAIM OBJECTIONS

Claims 20, 27, and 28 are objected to because of various informalities. The Applicant has amended claims 20, 27, and 28 to correct the identified informalities. As such, the Applicant respectfully requests the objections to claims 20, 27, and 28 be withdrawn.

II. CLAIM REJECTIONS

A. Rejection Under 35 U.S.C. §102(b)

The Examiner rejects claims 1-4, 6-11, 13, 15-19, 21-23, and 25-27 under 35 U.S.C. § 102(b) as being anticipated by *Aronson et al.* (International Pub. WO 02/063800).

A claim is anticipated under 35 U.S.C. § 102(a), (b), or (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Further, the identical invention must be shown in as complete detail as is contained in the claim. Finally, the elements must be arranged as required by the claim. Manual of Patent Examining Procedure ("MPEP") § 2131.

Independent claims 1, 10, and 18 have been amended and it has not been shown that *Aronson* discloses each and every element of claims 1, 10, and 18. For example, page 6, lines 18-24 of *Aronson* teach the following:

A transceiver 100 based on the present invention is shown in FIGS. 2 and 3. The transceiver 100 contains a Receiver Optical Subassembly (ROSA) 102 and Transmitter Optical Subassembly (TOSA) 103 along with associated post-amplifier 104 and laser driver 105 integrated circuits that communicate the high speed electrical signals to the outside world. In this case, however, all other control and setup functions are implemented with a third single-chip integrated circuit 110 called the controller IC.

Therefore, the Applicant respectfully requests that the rejections of claims 1, 10, and 18 be withdrawn. Claims 2-9, 11-17, and 19-29 depend from claims 1, 10, and 18 respectively. As such, the applicant respectfully requests that the rejections of claims 2-9, 11-17, and 19-29 be withdrawn at least for the same reasons as claims 1, 10, and 18.

B. Rejection Under 35 U.S.C. § 103

The Examiner rejects claims 30 and 31 under 35 U.S.C. § 103 as being unpatentable over *Aronson* in view of *Brezina et al.* (US Pre Grant Pub. 2003/0085452).

According to the applicable statute, a claimed invention is unpatentable for obviousness if the differences between it and the prior art “are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art.” 35 U.S.C. § 103(a) (2005); *Graham v. John Deere Co.*, 383 U.S. 1, 14 (1966); MPEP 2142. Obviousness is a legal question based on underlying factual determinations including: (1) the scope and content of the prior art, including what that prior art teaches explicitly and inherently; (2) the level of ordinary skill in the prior art; (3) the differences between the claimed invention and the prior art; and (4) objective evidence of nonobviousness. *Graham*, 383 U.S. at 17-18; *In re Dembiczak*, 175 F.3d 994, 998 (Fed. Cir. 1999). It is the initial burden of the PTO to demonstrate a *prima facie* case of obviousness, which requires the PTO to show that the relied upon references teach or suggest all of the limitations of the claims. MPEP 2142 (emphasis added).

According to MPEP section 2143:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references

themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

(Emphasis added).

Applicants traverse the Examiner's rejection for obviousness on the grounds that the references – either individually or in combination – fail to teach or suggest each and every element of the rejected claims. Paragraph [0058] of *Brezina* teaches that “chipsets need to be in close proximity to decrease the electrical path lengths, reducing impedance and electrical cross talk.” This section of *Brezina* does not, however, teach placing components on common circuits. Claim 30 currently recites the following element, “datameans operably disposed within the fiber optic subassembly for communicating high frequency optical data, wherein the means for communicating optical data includes one or more conventional optical transceiver components within the fiber optic subassembly incorporated in a common circuit, such that impedance that would otherwise be present in a high frequency electronic data communication is minimized due to the integration of the transceiver components in a common integrated circuit.” The Examiner has not shown that *Brezina* or *Aronson* teach or obviate this element of claim 20. Therefore, the Applicant respectfully requests that the rejection of claim 30 be withdrawn.

Claim 31 depends from claim 30. If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. In *re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Therefore, the Applicant requests that the rejection of claim 31 be withdrawn at least for the same reasons as claim 30.

III. NEW CLAIMS

New claims 32-39 have been added and are allowable over the references of record.

CONCLUSION

In view of the foregoing, Applicants believe the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

DATED September 6, 2006.

Respectfully submitted,

/David A. Jones/ Reg. # 50,004
DAVID A. JONES
Attorney for Applicant
Registration No. 50,004
Customer No. 022913

DAJ:jbh